

HAWAIIAN GAZETTE

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CHARLES S. CRANE, Manager.

TUESDAY

AUGUST 8

DEMOCRATIC LEMONS AS A DIET.

What the result of all this proposed Democratic-Insurgent ~~tax~~ revision will be, if successful, is a repetition of the conditions which followed the famed Wilson bill, which brought on a depression in the industrial life of the country that took it years to recover from and caused a sweeping Republican victory at the polls at the next general election. Since that time, under Republican administration, the tide of prosperity has flowed onward in an irresistible stream, until now, when wages were never so high in the history of the world, when farmers run their own automobiles, when every man who is anxious to work can find a job—now there is a strenuous kick. Prices are too high; the poor old tariff, which is largely responsible for the development of the great industries of the United States, is blamed for it all and is being mutilated in a way which would cause any infant industry to squal distressfully.

What will be the end of it all? Evidently the Democrats believe that they have control of the band wagon and with the bit in their teeth will run away with the idea of making a lively reputation for themselves, to end up in one of their usual smashups. And then the Republican Party will again be called in to pick up the pieces and repair the damage and once more start prosperity on her way rejoicing. It is all that can be expected of the Democratic Party. It has a reputation for tearing down and never, while it was in power during any part of the past fifty years, has it ever built up anything in the way of industries, only garbage piles of free silver, broken tariff schedules and hot-air speeches.

Just at present the house-Democrats has tried to place lemons on the free list. But this action is likely to prove only one of the many political lemons the party of the "Peerless One" will pick before it settles back into its proper place as a tamed minority, with certain privileges of making a noise, which are guaranteed them by the constitution. Maybe the Jackass party thinks it will get its lemons cheaper if the duty is taken off, but, however, they get them they are liable to come pretty high, from a political viewpoint.

With the assaults on the wool, cotton and sugar tariffs, which the Democrats are conducting in Washington, are shouted through the Democratic megaphones misleading assertions that by reducing these schedules the cost of living will also be reduced. Oh, fatuous ones, did you ever hear these politicians groan in sympathy with an overburdened people before? Have any of you ever found shoes cheaper because the tariff was lifted on leather? Do you pay less because coffee comes in free? Do you suppose you will buy lemons any cheaper when the duty of fifteen cents a hundred pounds is eliminated for the purpose of enabling a few Democratic politicians to "point with pride?" Well, hardly!

POLITICAL ROAD ROLLING.

This eternal question of how the roads of Oahu should be built, or at least made practically usable, appears to be so dovetailed into the political problems of the members of the board of supervisors that a check is placed upon almost every scheme for the permanent betterment on account of some question affecting the political henchmen of the board. While it is proper that citizen labor should be employed on the roads as largely as possible this great work for which the Territory is spending hundreds of thousands of dollars should not be held up simply because of this principle. So long as the men to be employed upon the roads are chosen from among a certain class of people in the Territory, whether they give satisfaction or not, so long will there be inefficiency in the work done.

Possibly the employment of a few outside men, who have nothing to recommend them but the work that they are capable of accomplishing, might have some good effect upon the citizen labor as an example in the way of setting a standard for what a day's work really is. Certainly it seems more important that the taxpayers of the Territory should secure a proper return for the large sums of money spent on the roads than that a comparatively few favored ones should have huan jobs and easy money.

It is to be regretted that there is so much wrangling in the board of supervisors over this road question. It appears that in some way the road committee is incapable. What its chairman knows about roads could apparently be written on a shingle, but nevertheless it is proposed now that City Engineer Gere shall be only a figurehead and take his orders from the committee as to what shall be done, how accomplished and by whom. As pointed out by The Advertiser before, this situation is the natural consequence of the ordinance recently passed by the board, and known as "number thirty-three, in which the board acquires all the power to building up a political machine with little if any check from the Mayor, or the man in charge of the practical work.

With a great blare of trumpets the road committee of the board asserted its intention of placing the road work in the control of City Engineer Gere and holding him responsible for what was done, under the supervision of the board. Now it appears that there is war among the members of the board over the hiring of men who are not citizens to do the work. It has been complained of that actually two men were employed on the roads here who were not citizens. It is safe to say that at least two men in the department are doing a real day's work.

What the people want are real roads and the less trouble and expense about it the better.

ROAD MAKING OPPORTUNITIES.

The United States department of agriculture has issued a number of pamphlets by experts of the department in regard to road making in various parts of the country, and many of them are of particular interest to all road builders, while others are of importance only to local sections where conditions for roads vary from the general run. One of the last of these pamphlets is by D. H. Winslow, superintendent of road construction of the office of public roads, and deals entirely with the problems to be met with in the Southern States. While there are in a large measure different with those met with in the Territory of Hawaii there are many points of interest and considerable information which might well be utilized in the Territory, where conditions for road making vary so greatly that what is good for one district may be of no value for another.

For the building of a good road at a reasonable cost one of the points to consider is the availability of material as well as climatic conditions and the lay of the land. In this island, for instance, all sorts and degrees of climate and soil makes the problem of the roadmaker a most comprehensive one, for what would make a good road in the low lands would hardly do for the mountains. But what the road office of the department at Washington is really trying to teach is to use the natural material at hand, and it seems that here in Oahu there is plenty of the sort of rock which should make the best of roads without depending upon faraway quarries for a supply. There is a good chance in the building of the belt road, which will soon be started, to show how well and cheaply this work can be done.

INTERESTING HEALTH FIGURES.

The corrected percentage of the death rate in this city and in the Territory at large shows one or two interesting facts. One of these is that while the death rate in Honolulu is large, due to a number of causes, it is not as large as was at first reported, while the rate for the entire Territory is slightly larger than was at first believed to be the case. A feature of the annual report now completed by Doctor Pratt, health officer of the board of health, is that the death rate from natural causes for the entire Territory is only 16.00 per cent, indicating that there is a larger pro rata unnatural deaths in the country than in the city, such as those from accident and violence. But one point of Doctor Pratt's statement is that the death rate of the native Hawaiian race, may reach the enormous total of thirty-three per cent or about double the normal death rate of the Territory as a whole.

The members of the California delegation in the house of representatives at Washington state that they believe they have Underwood's bill to take the duty off lemons defeated. Evidently they think they are about to hand the Democratic leader a lemon.

ITS SUPPORT MEANS BETTER CONDITIONS.

If there is one Hawaiian corporation deserving of local support more than another it is the Home Insurance Company, just organized among local capitalists. Hawaii has been sending away hundreds and hundreds of thousands to American and British insurance companies and the premiums for many years have been velvet. There is, according to the statistics of the past, money in the insurance business of the islands, and it is money that might quite as well be kept here, as sent away to build skyscrapers in New York and baronial halls in the Old Country.

It is rather surprising that this late day has been waited for the formation of such a corporation as the Home Insurance Company. Year after year the figures of gross profits that are practically net have been published and year after year the local capitalists have commented on the easy money Hawaii was furnishing for those abroad. Zeno K. Meyers, the treasurer of the local corporation and its organizer, deserves the credit for bringing to a head what has long been talked of. It required someone of Mr. Meyers' knowledge of local conditions and local men and with his reputation for success to carry desire to accomplishment, which he appears to have done most successfully.

One of the results in connection with the organizing of a local fire and life insurance company will probably be that the matter of fire protection, more adequate building laws and more extended fire limits will receive greater attention. If the new company is to carry many of the Chinatown risks it will be forced in its own protection to see that the disgraceful waste of time of the past two years never recurs. We have now, it is true, a building ordinance that approaches very nearly to all that could be asked, but that law came just about two years too late. From the time The Advertiser first began calling public attention to the crying need of a modern building law and an extension of the fire limits until the ordinance was finally passed, scores of flimsy structures, firetraps in every sense of the word, were rushed up both within and without the limits. There is comparatively little vacant property now to be affected by the new law. There are a number of tenements ready to fall down just outside the present limits, however, and these will probably be replaced by more firetraps within the next year. Before the building spurt reaches the unrestricted districts, the fire limits should be extended. The extension should be done at once, the line Ewa carried at least as far as the Ewa side of Liliha and the line Waikiki carried to Alapai street, with School as the mauka boundary. No hardship that this may inflict will be comparable to the good that will be accomplished within the next five years.

The extension of the fire limits Ewa should be done before the next big Chinatown fire, which the underwriters are expecting and are prepared for. If not extended prior to that fire, it will be "a shame" to extend them afterwards until all the burned out district is covered again with shacks and flimsy tenements.

WHAT MOTT-SMITH HAS ACCOMPLISHED.

The Advertiser is not "peevish" at the resignation of President Mott-Smith of the board of health, as a contemporary announces, but it does regret that the resignation of so capable an official, who has demonstrated his worth through a series of crises, should be gloated over by a paper that, although driven from every position it occupied, suffers under the idea that through its various unwarranted attacks it has accomplished something. Mr. Mott-Smith has fought plague on Hawaii, two epidemics on Maui and plague and cholera on Oahu, and handled each situation with credit to the territorial health bureau. He faced a difficult task when the Russian immigration experiment snarled itself up; he faced another when the health authorities had to care for the shipload of Portuguese and Spaniards; he secured from the legislature—and it was a hostile legislature—more for the good of the health of Hawaii than any other president had ever been able to do, despite the sinister opposition of those political self-seekers who wanted to play politics with the well-being of Hawaii.

When an official who has worked so unceasingly as Mr. Mott-Smith can be jeered at by those who prefer to credit little-tattle to plain fact and who advance his "palehutu" as a subject for editorial giggles, his successful efforts being entirely ignored, there is small encouragement for earnest effort on the part of other officials.

Full confidence is felt that Governor Frear may be able to appoint a successor worthy of taking hold and carrying on the work of the board of health from where Mr. Mott-Smith has brought it. The latter leaves for his successor a bureau with power to act; he found it a bureau crippled in power and short of money. He leaves to his successor a department manned for its work, with a large number of trained men as a nucleus for the enlarged force; he found it an undermanned department, dependent upon the county supervisors and openly opposed in the majority of the counties. He leaves his successor in a position to go ahead, with the laws clear and the duties of the board and its officials fully outlined; he found it without many of the powers it now possesses and acting under laws so mixed-up that no lawyer in the Territory was able to outline its powers and duties. Whoever succeeds Mott-Smith will find that the way has been cleared to effective action and that the grind has been completely.

Hawaii owes so much to Mott-Smith that a proper resentment is felt at critics who titter in ignorance and at those pinhead politicians who placed every possible obstacle in his way when he contended that the health of the Territory was paramount to the interests of "the party."

MAY CALM THE TROUBLED WATERS.

Special interest attaches at this time to the visit of Admiral Togo in Washington, where he is the guest of the nation and a special guest of President Taft. At the banquet given in his honor Saturday evening at the White House it is reported that the President urged arbitration between the United States and Japan, along the same lines, presumably as our treaties with Great Britain and France, which have just been signed. This proposal is an earnest of the desire for peace between this country and the leading power of the Orient and a guarantee of the friendship that prevails.

There will undoubtedly be in some quarters, such as the Hearst publications, a wild yell of disapproval, for it is the yellow-jingoes of this class which have done more to spread the feeling of alarm over a possible war with Japan than any other factor. Their misrepresentations are now to be looked for again along the same lines, instead of welcoming any such action as would prevent the very danger they have been making such a fuss about.

As a matter of fact there is really no more danger from a war with Japan than with Germany or Italy. The question of immigration to the Pacific Coast has practically been settled, for Japan is almost as much interested in using her surplus population in the extensions of her sphere of influence in the Orient and thus keeping them from the Coast, as California is to have them stay there. Meanwhile the word from the President on the occasion of Admiral Togo's visit is a significant one and may lead to action which will calm the troubled waters of the Pacific, and the minds of the jingoes.

The senate committee which investigated "third degree" methods is stated to have made a report condemnatory of "legal kidnapping," as it terms the arrest and transportation to Los Angeles of the men accused of complicity in the dynamiting of the Times building there. It does not appear to have occurred to the committee to condemn the murder of innocent printers, telegraphers and newspapermen, who met an awful death at the time of the infamous blowing up of the Los Angeles newspaper plant.

It is reported that one of the prominent men mentioned as a possible successor to A. E. Mott-Smith has stated he wouldn't take the presidency of the board of health at any price. No doubt he is thinking of the fine treatment meted out to the present incumbent who worked night and day for the particular benefit of Honolulu and was unmercifully criticized for his pains.

The union labor leaders always insist that they are on the side of law and order. It doesn't look very much like it in Des Moines, where the mob is shouting for the scalps of street car strikebreakers and where several casualties are reported as the result of a police charge. If the labor leaders so desired they could restore peace at Des Moines.

Incendiarism is said to be responsible for the forest fire in the San Gabriel reserve, southern California, which already has caused one million dollars' damage. It is more likely that careless campers started the big blaze. That class of gentry we have always with us and will continue to have until some stiff prison sentences are handed out.

War may be what General Sherman called it, but long before Togo gets through with his neurasthenic round of feasts and fetes he will probably say that pleasure is worse. The cablegrams may be "kept busy by rounds of entertainments." No doubt he would sooner be looking after rounds of amusements.

DECLINES TO ORDER

DEED CANCELLED

JUDGE ROBINSON HANDS DOWN
IMPORTANT JUDGMENT IN
LAND CASE.

Judge W. J. Robinson has dismissed the petition of Francisco S. Borges, who made Maria Adelaide Hettner court Brizio de Soeira Encarnacao defendant in a suit in equity to cancel and annul a deed. As the defendant wait, Attorney R. H. Anderson, of Kinney, Prosser, Anderson & Marx, attorneys for complainant, noted an exception and gave notice of appeal.

In his decision, handed down yesterday, Judge Robinson says:

"This is a bill in equity to cancel and annul a deed. As the defendant is not now, and as far as the record shows, never was a resident of the Territory of Hawaii, personal service of summons and process was not had upon her within the jurisdiction of this court. However, the record shows publication of the summons issued herein in accordance with an order made, and further that a certified copy of the summons and of the bill of complaint were deposited in the United States postoffice at Honolulu, with the postage thereon fully prepaid, directed and addressed to the defendant at her last known place of residence.

Acquires no Jurisdiction.

"The defendant, appearing specially for the purpose of the motion, moves the court that the above entitled action be dismissed, for the reason that it appears that the court has not obtained jurisdiction over the person of the defendant, the cause of action, if any, stated in the complaint being transitory in its nature, and the suit being in personam and not in rem.

"In my opinion, the weight of authority is overwhelmingly in favor of the proposition that the court acquires no jurisdiction of the subject matter of the action in a cause such as the one at bar, in which only substituted or constructive service of process was had upon the defendant.

"The facts recited in the case of Hart v. Sanson, 110 U. S. 151; 28 Law Ed. 101, make out a case practically on all fours with the case at bar, and is especially decisive of the questions presented by the motion now under consideration.

"In that case Mr. Justice Gray, in delivering the opinion of the court, says:

"Where the Land Lies."

"Generally, if not universally, equity jurisdiction is exercised in personam, and not in rem, and depends upon the control of the court over the parties, by reason of their presence or residence, and not upon the place where the land lies in regard to which relief is sought. Upon a bill for the removal of a cloud upon title, as upon a bill for the specific performance of an agreement to convey, the decree, unless otherwise expressly provided by statute, is clearly not a judgment in rem, establishing a title in land, but operates in personam only, by restraining the defendant from asserting his claim, and directing him to deliver up his deed to be cancelled, or to execute a release to the plaintiff.

"The attention of the court has not been called to any statute of this Territory, which either expressly or by implication provides that the decree in a case such as the one at bar shall operate as a judgment in rem establishing a title in the land concerned or affected by a judicial determination of the facts recited. The motion is granted and the bill is dismissed, at complainant's cost."

Commissioner Appointed.

Judge W. J. Robinson yesterday handed down a decree of foreclosure and sale in the case of J. D. Marques against Irene M. Cornwell and W. H. Cornwell, John F. Colburn and Charles T. Wilder, tax assessors. M. T. Simonson, clerk of the court, was appointed a commissioner to sell the property foreclosed.

On June 18, 1904, Mr. and Mrs. Cornwell borrowed \$250 from the Bank of Walluku, Maui, on a promissory note, giving a mortgage as security. The bank assigned the note and mortgage to A. Lewis, Jr., and he to J. D. Marques, who brought suit for \$302.50, principal and interest. Defendants set up the statute of limitations, but the court ordered the mortgage foreclosed and the land sold at public auction to satisfy the judgment.

Referred to Master.

On the motion of Attorney C. H. Olson, Judge Robinson yesterday referred the accounts of the trustees of the Anaheria Amoy Haalelea estate to Job Bachelor, as master, for examination and report.

The fifth annual account of Cecil Brown, guardian of the property of David L. Johnson, William M. Johnson, Edith Johnson and Mary Johnson, minors, for the year ended July 31, was approved and allowed as filed by Judge Robinson yesterday. The guardian charged himself with \$1254.11 and asked to be allowed \$1119.19 expenditures, leaving a balance on hand of \$134.92.

An echo of the suit of John K. Sumner versus Robert Willie Davis et al. was heard in Judge Robinson's court yesterday when, upon motion of Attorney C. F. Peterson, representing A. V. and Addie B. Goss, the hearing for taxation of costs was continued until this morning at 9 o'clock.

STREET CARS RUN AGAIN.

DES MOINES, Iowa, August 7.—The cars are running again and the city is quiet after the disturbances of the street car strikers.

ELEVEN INDICTED

BY GRAND JURY

ONE SENTENCE PRONOUNCED—
GRAND JURY TAKES LEAVE
UNTIL NEXT MONTH.

Bringing in a partial report which contained eleven indictments, the Federal grand jury appeared before Judge Clemens yesterday and was then excused from further work until September 5, at which time the members will meet to investigate other matters to be brought to their attention by District Attorney Breckons.

All of the indictments brought in were placed on the secret file until those against whom they were found are taken into custody, but two being gathered in by Marshal Hendry during the day.

Two Arraigned.

These two were Ching Mow Nan, with two charges against him, being concerned in opium smuggling and of perjury before the grand jury, and Fred Low, charged with perjury before the grand jury in connection with the investigation of smuggling opium ashore at Hilo.

They were arraigned yesterday afternoon, but had their cases continued until Thursday for plea.

Of the other nine indictments, several are for perjury, one or two for opium smuggling and others for statutory crimes, it is understood.

Downey Sentenced.

Thomas Downey, quartermaster of the Arizona, pleaded guilty yesterday morning to the opium charges against him and he was sentenced by Judge Clemens to forty-five days' imprisonment and to pay costs.

Arthur Horner appeared in court yesterday morning with his counsel, Frank Thompson, and pleaded not guilty to the statutory crime with which he is charged, and had his case set over to the October term of court.

Jurors Excused.

During the session of the court Charles G. Bartlett was sworn in as a grand juror, but was excused for the term, and Bruce Cartwright, Jr., was excused without being sworn in.

Three of the petty jurors who live on other islands were excused from further duty, these being L. S. Thompson, Charles Auld and Alfred Abreu.

Filed Appeal.

United States Attorney Breckons filed his appeal from the decision of Judge Clemens in the Tanji case, naming nine reasons why the court erred in granting the writ of habeas corpus. The case now goes to the appellate court of the ninth district for decision.

Henry Perrine Baldwin
IN MEMORIAM.

Not to the call of the bugle,
Not to the cannon's loud roar
Come they, the throng on the hillside—
Come they from upland and shore—
Races united in sorrow,
One in their grief and their moan,
For the loved "Father of Maui"
Into the silence had gone!

There on the hillside they laid him—
He with the brave heart and true,
Rests—Maui's temple above him,
O'er him the deep vaulted blue—
There, where the splendors of sunset
Linger the longest, the best—
Under the stars in the silence
Deep as his faith, shall he rest.

Now evermore shall the laurel
Rest on thy brow, Maui, fair
Isle of his birth, he has given
To thee his hope and his prayer.
Bright be that laurel wreath, fadeless,
While from the land of his love
God's great cathedral enfolds him.
Lo! He is knighted above!
ANNA M. PARIS.

VITAL STATISTICS
Board of Health Records.

BIRTHS.

WOODROUGH—July 12, Kapiolani Maternity Home, to Mr. and Mrs. Charles Frederick Woodrough, a son.
MONTE—July 13, Kapiolani Maternity Home, to Mr. and Mrs. John Medina Monte, a son.

MACINTYRE—July 16, Armstrong street, to Mr. and Mrs. Malcolm Macintyre, a daughter.

COOPER—July 16, Kapiolani Maternity Home, to Mr. and Mrs. Jacob Lawrence Cooper, a son.

DE FREEST—July 21, Kapiolani Maternity Home, to Mr. and Mrs. Samuel De Freest, a daughter.

DE CAIRIS—July 25, Kapiolani Maternity Home, to Mr. and Mrs. Manuel De Cairis, a daughter.

ANDREWS—July 6, King street, to Mr. and Mrs. Henry Andrews, a son.

DEATHS.

DE CAIRIS—August 1, Kapiolani Maternity Home, Dorothy de Cairis, 9 days.

KAAHIA—August 2, Kulihihoni, Kala-wein Kaaia, 59 years, native of Molokai.

LOPES—August 2, Queen's Hospital, Maria Lopes, 52 years, native of Granada, Spain.

MARRIAGES.

WINTER-BRANDAGE—August 2, 725 Kinn, William Stephen Winter to Mildred Helen Brandage, both of Honolulu.

MURPHY-MALEY—August 1, Catholic Mission, Eugene Murphy to Margaret Maley, both of Honolulu.

DENN-NAAHOLEUA—August 2, Kawaiaho Church, Eugene Denn to Emma Naaholeua, both of Honolulu.

SIMONSON-STEWART—August 2, Kawaiaho Church, John K. Simonson to Nellie K. Stewart, both of Honolulu.

SHERMAN-DE SILVA—August 2, 1580 Nounou, James Laurin Sherman to Mary de Silva, both of Honolulu.

NAMAHOPU—August 2, 24 Chaplain Lane, Kahala, Namahope to Kaloehope P., both of Honolulu.